

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

H.R., a minor, by and through his parents §
KASSIE K. RIVERA and HIGINIO RIVERA, §
as next friends of H.R., a minor, §
KASSIE K. RIVERA, individually, and §
HIGINIO RIVERA, individually, §
Plaintiffs, §

v. §

UNITED STATES OF AMERICA, §
Defendant. §

Civil Action No. A-12-CA-338-JRN

MOTION TO APPROVE SETTLEMENT ON BEHALF OF A MINOR

Plaintiffs, by and through their counsel, Kenneth M. Suggs of Janet, Jenner & Suggs, L.L.C move the Court for an Order approving the settlement of the claims in this lawsuit on behalf of the minor child, H.R.

The parties have reached a proposed settlement in this case. The settlement requires the approval of the Associate Attorney General of the United States, and Department of Justice procedures require that the Court approve the proposed settlement prior to review and action on the proposed settlement. The precise terms and conditions of the settlement are set forth in the Stipulation for Compromise and Release of Federal Tort Claims Act Pursuant to 28 U.S.C § 2677 (hereinafter "Stipulation") and the Irrevocable Reversionary Inter Vivos Grantor Medical Care Trust for the Benefit of H.R. (hereinafter "Reversionary Trust"), attached as Exhibits "A" and "B." An audited statement of costs incurred by Plaintiffs' counsel is attached as Exhibit "C."

Plaintiffs request approval of attorney's fees in the amount of 25% of the settlement, or \$1,625,000. The fee contract between Plaintiffs and counsel is attached as Exhibit "D."

The Plaintiffs believe that the terms and conditions of this settlement, as set forth in the Stipulation and Reversionary Trust are fair, reasonable, and in the best interest of H.R., the minor child Plaintiff.

The Guardian ad Litem has the following issues with the Stipulation as it exists:

- it should only provide for payment of valid, enforceable liens from the Child's money;
- the Court should continue to retain jurisdiction over this matter for all purposes.

The Government has not accepted these proposals, and, as of the time of filing this motion, it appears they will need to be decided by the Court.

The Plaintiffs respectfully request that the Court approve the proposed settlement, and issue the proposed Order Approving Settlement on Behalf of Minor, filed concurrently with this Joint Motion.

Respectfully submitted,

JANET, JENNER & SUGGS, L.L.C.
WILLIAMS & BROWN, L.L.P.

By: /s/ Kenneth M. Suggs

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Plaintiffs' Motion to Approve Settlement on Behalf of a Minor has been filed electronically served via CM/ECF to the following parties on this the 27th day November 2013.

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